

Message Text

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16

ACTION AGR-20

INFO OCT-01 ARA-16 ISO-00 EB-11 COME-00 SCI-06 INT-08

HEW-08 SSO-00 NSCE-00 INRE-00 USIE-00 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01

PRS-01 SPC-03 SS-15 ACDA-19 IO-13 MED-03 DRC-01 OMB-01

TRSE-00 /163 W

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O 190211Z SEP 73

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC NIACT IMMEDIATE 8575

LIMITED OFFICIAL USE SECTION 1 OF 2 PANAMA 5066

E.O. 11652: N/A

TAGS: PN, EAGR

SUBJECT: AMENDMENT TO U.S.-PANAMA FMD AGREEMENT

SUMMARY: US FMD GROUP HAS REVISED DRAFT OF PROPOSED
AMENDMENT TO U.S.-PANAMA FMD AGREEMENT. REQUESTS
DEPARTMENT APPROVAL TO DISCUSS TEXT CONTAINED HEREIN
WITH GOP. END OF SUMMARY

1. US FMD GROUP HAS REVISED DRAFT OF PROPOSED AMENDMENT
TO FMD AGREEMENT DISCUSSED ON SEPT 17 WITH ARA/PAN AND L/ARA.
AFTER BRIEFING BY DR. REA CONCERNING PREPARATORY ARRANGEMENTS
FOR VISIT BY TEAM AND DRAFT AMENDMENT WITH EMBOFFS, FMD
GROUP REQUESTS DEPT. APPROVAL TO DISCUSS ALL ASPECTS OF
DRAFT AMENDMENT WITH GOP. GROUP WOULD NOT SIGN OR
OTHERWISE FORMALIZE TEXT OF PROPOSED AMENDMENT, BUT IF
INFORMAL UNDERSTANDING ON TEXT OF AMENDMENT IS ARRIVED
AT, IT COULD BE FORMALIZED AT LATER DATE FOLLOWING DUE
CONSIDERATION BY BOTH SIDES.

2. PROPOSED TEXT OF AMENDMENT FOLLOWS: (NOTE-
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ABBREVIATIONS ARE USED WHENEVER POSSIBLE.) QUOTE
IN ACCORDANCE WITH ARTICLE 15 OF THE COOPERATIVE AGREE-
MENT FOR THE PREVENTION OF FMD AND RINDERPEST BETWEEN THE
MINISTRY OF AGRICULTURE AND LIVESTOCK OF THE REPUBLIC OF

PANAMA AND THE USDA SIGNED MAY 26, 1972, AND EFFECTED BY AN EXCHANGE OF NOTES SIGNED AT PANAMA JUNE 21, 1972, AND OCTOBER 5, 1972, THE MINISTRY OF AGRICULTURAL DEVELOPMENT OF PANAMA (MIDA (SUCCESSOR AGENCY TO THE MINISTRY OF AGRICULTURE & LIVESTOCK AND USDA AGREE TO AMEND SAID AGREEMENT TO PROVIDE FOR ESTABLISHMENT OF A SPECIAL PROGRAM, WITHIN THE EXISTING COOPERATIVE PROGRAM, TO PROVIDE ADDITIONAL SUPPORT FOR THE EFFORTS OF MIDA IN PREVENTING THE ENTRY INTO PANAMA AND THE SPREAD NORTHWARD OF FMD AS A RESULT OF CONSTRUCTION OF THE DARIEN GAP HIGHWAY. THIS SPECIAL PROGRAM WILL OPERATE IN THE DARIEN PROVINCE AND COMARCA SAN BLAS OF PANAMA (DRAFT AGREEMENT WILL CONTAIN MAP ATTACHED AS ANNEX I). THE REPUBLIC OF PANAMA AGREES TO CONTINUE THE EXISTING COOPERATIVE FMD PROGRAM IN AREAS NOT INCLUDED IN THE SPECIAL PROGRAM.

A. THE SPECIAL PROGRAM- IN ADDITION TO THE CONTINUATION IN THE DARIEN PROVINCE AND COMARCA SAN BLAS OF THE COOPERATIVE ACTIVITIES LISTED IN THE AGREEMENT CITED ABOVE, THE FOLLOWING ACTIVITIES WILL BE CARRIED OUT UNDER THE SPECIAL PROGRAM:

ESTABLISHMENT OF BARRIER ZONE I. PANAMA WILL MAINTAIN A BARRIER ZONE DESCRIBED AS FOLLOWS: (NOTE: TO BE DESCRIBED DURING DISCUSSION WITH GOP). COMMERCIAL PRODUCTION OF LIVESTOCK WILL BE PROHIBIED IN ZONE I. THE BARRIER ZONE IN PANAMA WILL BE KEPT FREE OF LIVESTOCK AND USED FOR NON-LIVESTOCK PURPOSES, SUCH AS THE FOREST RESERVE WHICH PANAMA HAS ALREADY ANNOUNCED. NOTWITHSTANDING THIS REQUIREMENT, POULTRY AND YARDED SWINE REQUIRED FOR LOCAL CONSUMPTION WILL BE PERMITTED, SUBJECT TO FREQUENT INSPECTION. SLAUGHTER OF ALL SUSCEPTIBLE SPECIES WILL BE REQUIRED IN THE EVENT OF FMD INFECTION. THE BARRIER ZONE IN PANAMA SHALL BE REGULARLY POLICED BY A PERMANENTLY ASSIGNED UNIFORMED POLICE FORCE. THIS FORCE SHALL CONTINUE TO CONDUCT REGULAR PATROLS TO MAKE SURE THAT THE AREA IS MAINTAINED FREE OF UNAUTHORIZED LIVESTOCK AND THAT ONLY MEAT FROM FMD FREE COUNTRIES IS LIMITED OFFICIAL USE
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BROUGHT IN.

ESTABLISHMENT OF LIVESTOCK SURVEILLANCE ZONE II. THERE SHALL BE A SYSTEMATIC SURVEILLANCE OF LIVESTOCK AND CONTROL OF MOVEMENTS OF LIVESTOCK AND LIVESTOCK PRODUCTS IN THE AREA OF PANAMA ADJACENT TO ZONE I HEREBY DESIGNATED AS ZONE II. ZONE II WILL CONSIST OF PART OF THE DARIEN PROVINCE AND THE ATLANTIC OCEAN AS SHOWN ON THE ATTACHED MAP, ANNEX I, AND DESCRIBED FURTHER: (NOTE: TO BE DEFINED.) ALL LIVESTOCK AND POULTRY WITHIN ZONE II WILL BE PERMANENTLY IDENTIFIED AND INSPECTED ON A REGULAR BASIS FOR SYMPTOMS OF FMD OR OTHER EXOTIC DISEASES. LIVESTOCK LEAVING ZONE II MUST BE ACCOMPANIED BY A CERTIFICATE OF

VETERINARY INSPECTION SHOWING FREEDOM FROM SYMPTOMS OF DISEASES AND CAN MOVE ONLY DIRECTLY TO AN APPROVED SLAUGHTERING FACILITY. NO OTHER MOVEMENTS WILL BE AUTHORIZED.

3. SURVEILLANCE POSTS. THE PRESENT SURVEILLANCE SYSTEM IN ZONE I, CONSISTING OF LAND, RIVER AND OCEAN PATROLS WILL BE CONTINUED. THE SURVEILLANCE POSTS LOCATED IN ZONES I AND II WILL BE CONTINUED AND ADDITIONAL PERSONNEL WILL BE ASSIGNED TO EACH POST TO STRENGTHEN SURVEILLANCE OF LAND, SEA AND AIR TRAFFIC. AT LEAST TWO NEW SURVEILLANCE POSTS WILL BE ESTABLISHED IMMEDIATELY TO COVER ROUTES OF ENTRY FROM COLOMBIA NOT PRESENTLY UNDER ADEQUATE SURVEILLANCE. THERE WILL ALSO BE ESTABLISHED TWO POSTS ALONG THE DARIEN HIGHWAY IN PANAMA, ONE WHERE THE HIGHWAY LEAVES ZONE I AND ONE WHERE IT LEAVES ZONE II, AND SUCH OTHER POSTS AS MAY BE CONSIDERED NECESSARY. (SEE ATTACHED MAP, ANNEX 1). PRESENT SURVEILLANCE CAPABILITIES AT INTERNATIONAL AIRPORTS IN PANAMA AND AT THE CANAL ZONE PORTS OF ENTRY SHOULD BE CONTINUED AND STRENGTHENED IF NEED BE.

4. INSPECTION FACILITIES. INSPECTION FACILITIES WILL BE ESTABLISHED FOR TRAFFIC MOVING FROM COLOMBIA INTO PANAMA ON THE DARIEN GAP HIGHWAY. INSPECTIONS PERFORMED AT THESE FACILITIES WILL BE DESIGNED TO PREVENT LIVESTOCK, ANIMAL PRODUCTS, AND OTHER POTENTIALLY INFECTIOUS MATERIALS FROM ENTERING PANAMA. THESE FACILITIES WILL BE STRATEGICALLY LOCATED NEAR THE COLOMBIA BORDER, WILL INCLUDE BUILDINGS, PARKING AREAS, ANIMAL INSPECTION FACILITIES, DISINFECTION EQUIPMENT, LARGE INCINERATOR LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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CAPACITY, WILL BE STAFFED WITH INSPECTION PERSONNEL, AND WILL HAVE POLICE SUPPORT PROVIDED BY THE GOVERNMENT OF PANAMA.

5. WILDLIFE MONITORING. THE WILDLIFE IN ZONE I WILL BE MONITORED BY BIOLOGISTS WHO WILL CARRY OUT THE SAMPLING PROCEDURES FOR THIS ZONE. THESE PROCEDURES WILL INCLUDE THE ROUTINE SAMPLING OF NATIVE FAUNA, SUCH AS DEER AND WILD SWINE. THESE ANIMALS WILL BE PRESENTED TO A VETERINARIAN WHO WILL INSPECT THE ANIMALS AND COLLECT SPECIMENS FOR LABORATORY TESTS.

B. ADMINISTRATION OF SPECIAL PROGRAM. MIDA AND USDA HEREBY ESTABLISH A SPECIAL COMMISSION TO ADMINISTER THE SPECIAL PROGRAM. THE GOVERNMENT OF PANAMA WILL PROVIDE THE SERVICES OF A VETERINARIAN TO BE ASSIGNED AS DIRECTOR OF THE SPECIAL COMMISSION. THE USDA, SUBJECT TO THE AVAILABILITY OF APPROPRIATIONS, WILL PROVIDE A VETERINARIAN WHO WILL BE ASSIGNED AS CO-DIRECTOR. THE SELECTION OF VETERINARIANS AND OTHERS ASSIGNED TO WORK IN THE SPECIAL COMMISSION WILL BE SUBJECT TO MUTUAL APPROVAL OF MIDA AND THE USDA. THE

DIRECTOR AND CO-DIRECTOR SHALL BE DIRECTLY AND JOINTLY
RESPONSIBLE FOR THE TECHNICAL AND ADMINISTRATIVE
ACTIVITIES OF THE SPECIAL COMMISSION.
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ACTION AGR-20

INFO OCT-01 ARA-16 ISO-00 EB-11 COME-00 SCI-06 INT-08

HEW-08 SSO-00 NSCE-00 INRE-00 USIE-00 CIAE-00 DODE-00

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C. FINANCING

1. THE MIDA AND USDA WILL CONTRIBUTE TO A JOINT
FUND SUCH AMOUNTS AS MAY BE DEEMED NECESSARY TO CARRY
OUT THE OBJECTIVES OF THE SPECIAL PROGRAM. UNLESS
OTHERWISE AGREED IN WRITING, THE MIDA SHALL CONTRIBUTE
----PERCENT (----PERCENT) OF THE TOTAL AMOUNT AND THE
USDA SHALL CONTRIBUTE ----PERCENT (----PERCENT) OF THE
TOTAL AMOUNT OF SPECIAL PROGRAM COSTS, IN ACCORDANCE
WITH ANNUAL BUDGETS REFERRED TO BELOW, SUBJECT TO THE
AVAILABILITY OF FUNDS.

2. FOR THE FIRST SPECIAL PROGRAM YEAR, THE USDA
WILL MAKE AVAILABLE UP TO \$----US DOLLARS, AND
MIDA WILL MAKE A DEPOSIT OF THE EQUIVALENT OF \$-----
US DOLLARS, AS THEIR CONTRIBUTIONS TO THE EFFECTIVE
EXECUTION OF THE SPECIAL PROGRAM. SUBSEQUENT CONTRIBU-
TIONS WILL BE SUBJECT TO MUTUAL APPROVAL BY THE MIDA
AND USDA.

3. PRIOR TO ANY CONTRIBUTIONS OF FUNDS, THE
MIDA AND THE USDA WILL HAVE AGREED ON, IN WRITING, A
WORK PLAN AND A BUDGET FOR CAPITAL AND OPERATING COSTS
FOR THE FIRST SPECIAL PROGRAM YEAR. PRIOR TO CONTRIBUTIONS FOR
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ANY SUBSEQUENT YEAR, AND ANNUAL BUDGET AND AN ANNUAL WORK PLAN WILL BE PREPARED BY THE SPECIAL COMMISSION AND APPROVED BY THE MIDA AND THE USDA.

4. THE SPECIAL COMMISSION SHALL CAUSE TO BE ESTABLISHED, IN A BANK ACCEPTABLE TO BOTH MIDA AND THE USDA, A SPECIAL PROGRAM ACCOUNT. UPON APPROVAL OF THE FIRST YEAR SPECIAL PROGRAM BUDGET AND WORK PLAN BY THE MIDA AND THE USDA, THE USDA AND MIDA WILL CAUSE TO BE DEPOSITED INITIAL ADVANCES TO SAID ACCOUNT. ALL DISBURSEMENTS FROM SAID ACCOUNT WILL BE JOINTLY APPROVED BY THE DIRECTOR AND CO-DIRECTOR FOR ALL SPECIAL PROGRAM EXPENDITURES. USDA CONTRIBUTIONS TO SAID ACCOUNT WILL BE MADE ON A QUARTERLY BASIS IN ACCORDANCE WITH SPECIAL PROGRAM TARGETS ESTABLISHED ON SUCH BASIS IN ACCORDANCE WITH GOVERNMENTS OF PANAMA BUDGETING PROCEDURES. U.S. DOLLAR COSTS WILL BE FUNDED BY LETTER OF COMMITMENT TECHNIQUE OR DIRECT DISBURSEMENT BY THE USDA ON BEHALF OF THE SPECIAL COMMISSION.

D. OTHER TERMS AND CONDITIONS.

1. THE CO-DIRECTOR AND OTHER USDA PERSONNEL PARTICIPATING IN THE SPECIAL PROGRAM SHALL HAVE FULL OPPORTUNITY TO PARTICIPATE IN ALL ASPECTS THEREOF, HAVE ACCESS TO ALL INFORMATION AND FACILITIES RELATIVE THERETO, AND TRAVEL FREELY IN THE AREAS IN WHICH SPECIAL COMMISSION ACTIVITIES WILL BE CARRIED ON.

2. THE SPECIAL COMMISSION SHALL MAINTAIN, IN ACCORDANCE WITH SOUND ACCOUNTING PRINCIPLES AND PRACTICES CONSISTENTLY APPLIED, BOOKS AND RECORDS RELATING TO ALL ACTIVITIES CARRIED OUT UNDER THE SPECIAL PROGRAM. SUCH BOOKS AND RECORDS SHALL, WITHOUT LIMITATION, BE ADEQUATE TO SHOW THE RECEIPT AND USE MADE OF GOODS AND SERVICES ACQUIRED BY THE FUNDS DISBURSED PURSUANT TO THIS AMENDMENT AND THE PROGRESS OF THE SPECIAL PROGRAM. SUCH BOOKS AND RECORDS SHALL BE REGULARLY AUDITED BY AUDITORS ACCEPTABLE TO USDA IN ACCORDANCE WITH SOUND AUDITING STANDARDS FOR SUCH PERIOD AND AT SUCH INTERVALS AS USDA MAY REQUIRE AND SHALL BE MAINTAINED FOR FIVE YEARS AFTER THE DATE OF THE LAST DISBURSEMENT BY USDA UNDER THIS AMENDMENT.

3. THE AUTHORIZED REPRESENTATIVES OF THE U.S. GOVERNMENT SHALL HAVE THE RIGHT AT ALL REASONABLE TIMES TO INSPECT THE SPECIAL PROGRAM SITES, THE UTILIZATION OF ALL LIMITED OFFICIAL USE
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GOODS AND SERVICES FINANCED BY U.S. FUNDS, AND THE BOOKS, RECORDS AND OTHER DOCUMENTS OF THE SPECIAL COMMISSION RELATING TO ITS ACTIVITIES AND TO U.S. FINANCING, AND TO MAINTAIN INVENTORY CONTROL WITH RESPECT TO ALL U.S. FINANCED EQUIPMENT AND MATERIALS.

4. IN CASE OF ANY DISBURSEMENT NOT MADE OR USED IN

ACCORDANCE WITH THE TERMS OF THIS AMENDMENT, USDA MAY
REQUIRE THE REFUND OF SUCH AMOUNT IN U.S. DOLLARS
TO USDA WITHIN 30 DAYS AFTER RECEIPT OF A REQUEST THEREFOR.
USDA'S RIGHT TO REQUIRE A REFUND WITH RESPECT TO ANY
DISBURSEMENT UNDER THIS AMENDMENT SHALL CONTINUE FOR FIVE
YEARS FOLLOWING THE DATE OF SUCH DISBURSEMENT. UNQUOTE
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Message Attributes

Automatic Decaptioning: X
Capture Date: 10 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, ANIMAL DISEASES, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973PANAMA05066
Document Source: ADS
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: PANAMA
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1973/newtext/t19730963/abqcegi.tel
Line Count: 280
Locator: TEXT ON-LINE
Office: ACTION AGR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators:
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Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 25 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25-Jan-2002 by thigpegh>; APPROVED <01 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AMENDMENT TO U.S.--PANAMA FMD AGREEMENT
TAGS: EAGR, PN
To: STATE NIACT
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005